

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY'S ORIGINAL MR. CHICKEN, INC.,

Plaintiff,

v.

No. 05-60100

Hon. John Corbett O'Meara

RABEEH HAMMOUD and
MR. CHICKEN, INC.

Defendants.

ORDER DISMISSING STATE LAW CLAIM

Plaintiff filed suit against defendants for violation of the Lanham Act, 15 U.S.C. § 1125(a), and trademark infringement. Count II of the complaint alleges a state law claim: violation of the Michigan Consumer Protection Act. Diversity jurisdiction is not present. This court declines to exercise supplemental jurisdiction over the alleged state law claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, pursuant to U.S.C. § 1367(c), Count II is **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: June 24, 2005